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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,877	09/01/2001	Carl A. Caroli	4	2788

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HARNESS, DICKEY & PIERCE, P.L.C.
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EXAMINER

PHAN, HANH

ART UNIT PAPER NUMBER

2633

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,877

Applicant(s)

CAROLI, CARL A.

Examiner

Hanh Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 09/13/2004.
2. The indicated allowability of claims 6 and 7 is withdrawn in view of the newly discovered reference(s) to Sharratt et al (Pub. No.: US 2001/0040710 A1). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Sharratt et al (Pub. No.: US 2001/0040710 A1).

Regarding claim 1, referring to Figure 2, Sharratt discloses a network element (i.e., interface 70, Fig. 2) coupled to a plurality of optical transmission paths (i.e., optical transmission paths 200, 210, 220 and 230, Fig. 2) via respective interfaces (i.e., an interface including optical amplifiers 400 and 420, couplers 600 and 630, channel control units CCU 250 and 260, Fig. 2) wherein the optical transmission path carries a

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wavelength division multiplexed (WDM) signal having a plurality of optical channels (i.e., the optical transmission path 200 carries 32 channels, Fig. 2), the network element (i.e., interface 70, Fig. 2) comprising:

at each interface (i.e., at an interface including optical amplifier 400, coupler 600, CCU units 250 and 260, coupler 630 and optical amplifier 420, Fig. 2), an add/drop routing element (i.e., couplers 600 and 630 and channel control units CCU 250 and 260, Fig. 2) for receiving a WDM input signal, for selectively dropping individual optical channels from the WDM input signal at the network element, for selectively adding individual optical channels for transmission in a WDM output signal, and for selectively routing individual optical channels from the WDM input signal to any other interface for transmission in any of the plurality of optical transmission paths (see pages 5 and 6, paragraphs [0066] through [0078], and page 7, paragraph [0084]).

Regarding claim 2, Sharratt further teaches the add/drop routing element includes:

an optical distributor portion (i.e., channel control units CCU 250 and 260, Fig. 2) adapted for receiving the WDM input signal, for dropping selected optical channels from the WDM input signal, and for selectively routing remaining optical channels to one of the other interfaces; and

an optical combiner portion (i.e., CCU 260 and coupler 630, Fig. 2) adapted for adding individual optical channels to the WDM output signal and further adapted for receiving and combining optical channels supplied from one or more other add/drop

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routing elements associated with other interfaces with the individual optical channels being added to generate the WDM output signal (page 7, paragraph [0084]).

Regarding claim 3, Sharratt further teaches the individual optical channels are capable of being selectively routed among any of the plurality of optical transmission paths via the respective interfaces (Fig. 2).

Regarding claim 4, Sharratt further teaches the optical distributor portion includes an optical demultiplexer operable to separate individual optical channels in the WDM input signal so that selected optical channels can be dropped from the WDM input signal and so that individual optical channels not being dropped can be routed to one or more interfaces associated with each of the other plurality of optical transmission paths (see Figs. 2 and 3).

Regarding claim 5, Sharratt further teaches the optical combiner portion includes an optical multiplexer operable to selectively add individual optical channels at a respective interface; and an optical combiner for combining the optical channels being added at the respective interface with optical channels supplied from the one or more other add/drop routing elements associated with the other interfaces (see Figs. 2 and 3).

Regarding claims 6 and 7, referring to Figure 2, Sharratt discloses a method of selectively routing individual optical channels of a wavelength division multiplexed (WDM) signal at a node (i.e. interface 70, Fig. 2) having a plurality of optical interfaces each coupled to a respective optical transmission path (i.e., optical transmission paths 200, 210, 200 and 230, Fig. 2), the method comprising:

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receiving a WDM input signal (i.e., receiving a 32 channels at optical transmission path 200, Fig. 2) at a first optical interface (i.e., optical amplifier 400, coupler 600, CCU units 250 and 260, coupler 630 and optical amplifier 420, Fig. 2);

selectively dropping individual optical channels from the WDM input signal at the first optical interface (i.e., CCU units 250 and 260, Fig. 2);

selectively routing individual optical channels not being dropped at the first optical interface to one or more of the other of the plurality of optical interfaces via a respective intra-node optical transmission path (i.e., coupler 600, CCU units 250 and 260, coupler 610, Fig. 2); and

combining (i.e., CCU units 250 and 260, coupler 630, Fig. 2) individual optical channels being added to the WDM input signal at the first optical interface with optical channels received from the other of the plurality of optical interfaces via the respective intra-node optical transmission paths for transmission as a WDM output signal from the node,

wherein individual optical channels are capable of being selectively routed among the plurality of optical transmission paths via the plurality of optical interfaces (see pages 5 and 6, paragraphs [0066] through [0078], and page 7, paragraph [0084]).

Response to Arguments

5. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.


HANH PHAN
PRIMARY EXAMINER